

The Preacher, the Press-gang and the Landlord: the impressment and vindication of the Rev. Donald McArthur

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During the time he was in Bute, Mr Donald McArthur, the baptist, a powerful Gaelic orator, was preaching in the island, and in the neighbouring districts of Cowal, Arran, etc. Many were so affected under his preaching, as to fall down and cry out. He made many converts throughout these places. He planted a Baptist church in Port Bannatyne, which is still in existence. He went to America many years ago. It is said that a short time before he left the country he adopted erroneous notions of some Scripture truths.

These words were written in 1827 by "A Lay Member of the Established Church" in a book entitled *An Account of the Present State of Religion throughout the Highlands of Scotland*.¹ The Lay Member, who wisely preserved his anonymity, was no neutral observer of the Highland religious scene; his principal aim was to demonstrate the miseries which Moderatism, in contrast to Evangelicalism, had inflicted on the Highlands, and to rebut the expressed opinion of the Rev. Dr Norman MacLeod ("Caraid nan Gàidheal") that Highland clergy were far from indolent in the cure and care of souls. The debate was related, in part, to the gradual emergence of dissent from the Established Church, signified by the creation of Independent and Baptist churches in certain parts of the Highlands, chiefly in Perthshire and Argyll. It was one of Lay Member's strongest contentions that the emergence of such dissent was induced by the carelessness of Moderate clergy and the absence of

¹ A Lay Member of the Established Church, *An Account of the Present State of Religion throughout the Highlands of Scotland; in which the comparison instituted between the clergy of the "Western Districts" and those of "Ross-shire" in a speech before the General Assembly in 1824, is examined, and the true merits of both parties exhibited* (Edinburgh, 1827), 90-1.

Evangelical ministers. Where there were diligent ministers, as there were in Ross-shire, Lay Member argued, there was less likelihood of dissent. Yet careless clergymen were not the only reason for disaffection towards the Established Church; Lay Member also laid blame on landlords. “But, in Argyleshire”, he claimed, “dissenters have met with all the opposition in the power, not only of several of the clergy, but also of some of the proprietors.”² He cited some examples, and then stated: “It is well known that the zealous and successful Donald McArthur met with most unchristian treatment in that county.”³

Remarkably, however, Lay Member missed his cue, and failed to provide his readers with a description of what had happened to the “zealous and successful Donald McArthur”. It is not clear why he omitted the story. Perhaps it was so well known in 1827 that it did not need retelling. However, as the nineteenth century progressed, the story was told many times. Fifty years later, for example, the *Dunoon Herald* ran several articles on Donald McArthur, his followers, and the circumstances of his “most unchristian treatment”.⁴ The *Herald*’s interest in McArthur was stimulated by the hundredth birthday of his cousin, Archibald McArthur, who had preached alongside Donald McArthur, and was now living in Dunoon, where he was associated with the Free Church of Scotland.⁵

² *Ibid.*, 46.

³ *Ibid.*

⁴ *The Dunoon Herald and Cowal Advertiser* [henceforward *DH*] ran the following articles on Donald MacArthur and his followers: “Notes on Donald McArthur, the Fisherman’s Pastor”, *DH*, 11 August 1877 [henceforward referred to as *DH* Article 1]; and “The MacArthurites”, by “A North Buteman”, *DH*, 18 August 1877 [henceforward *DH* Article 2], reprinted from “the leading Bute newspaper”. I am very grateful to Mr William L. Scott, Local Studies Librarian, District Library Headquarters, Dunoon, for providing copies of these articles.

⁵ *DH*, 25 August 1877 [henceforward *DH* Article 3]. This was the Editorial of the issue. The date given as Archibald McArthur’s birthday – 5 September 1777 – appears to have been the date of his baptism, noted thus in the Old Parochial Register for Lochgoilhead, OPR 527/1, Frame 132. His birthplace, Achendrennan in *DH*, is given as Auchadunan in the OPR. The discrepancy may be removed if the backward-curving flourish of the d in the OPR place-name is intended to represent r. Archibald McArthur died in 1881. For a further article on Archibald McArthur,

What, then, was the “most unchristian treatment” given to McArthur? The facts of the matter are that, when preaching to a large body of people on the shore at Colintrave Ferry on Sunday, 20 October 1805, McArthur was forcibly apprehended by John Campbell, the landlord of the Southhall estate, and, following his apprehension, he was bundled off and handed over to the impressment service at Greenock. Having served in the navy for five weeks, McArthur was released by means of a Bill of Suspension which was granted through the Court of Session by Lord Bannatyne, and he returned to Bute. Three years later McArthur fought a court case against Campbell of Southhall at the Court of Session in Edinburgh, and won damages against the landlord. Campbell lodged an appeal, which was then rejected by the Second Division of the court. The case was so significant that it was described in summary in 1809 by Gilbert Hutcheson, Esq., Advocate, in his *Treatise on the Offices of Justice of Peace*;⁶ and in much detail in 1813 by William Buchanan, Advocate, in his book, *Reports of Certain Remarkable Cases in the Court of Session, and Trials in the High Court of Justiciary*, a near-contemporary source of great value to our enquiry.⁷

McArthur’s story, in which a preacher of fairly humble circumstances was press-ganged and released, and later won a major court case against the landlord who had humiliated him, not only made Scottish legal history, but also became something of a local hero-tale in the Cowal district. It circulated in oral tradition, and it was retold on several occasions in books and articles (like those in the *Dunoon Herald*). It was given what is perhaps its fullest treatment to date in

with some useful information on Donald McArthur, see J. B. [probably James Brown], “A Dunoon Patriarch”, *Scottish Baptist Magazine*, March 1876, 58-9.

⁶ G. Hutcheson, *Treatise on the Offices of Justice of Peace; Constable; Commissioner of Supply; and Commissioner under Comprehending Acts, in Scotland; with occasional observations upon other municipal jurisdictions* (Edinburgh, 1809), pp. lxxv-lxxix. See also the *Edinburgh Annual Law Register* (Edinburgh, 1808), 103, for a summary of the case.

⁷ W. Buchanan, *Reports of Certain Remarkable Cases in the Court of Session and Trials in the High Court of Justiciary* (Edinburgh, 1813), 60-72.

Archibald Brown's 1908 volume, *The History of Cowal*.⁸ Brown, having made clear that not all proprietors in Cowal were hostile to McArthur, describes his arrest as follows:

Owing to the threatening of other proprietors and factors in the district ... McArthur and his followers now took the precaution to hold their meetings on the high road or on the seashore under high water mark. The climax of the interference took place at Colintrave, in the Kyles of Bute, on 20th October, 1805, while McArthur was addressing a crowded audience under high water mark, on the site of the present pier. Colonel Campbell of Southhall approached with a band of volunteers, and leaving them at a little distance, he walked to the meeting accompanied by three special constables – Fletcher, McLean and McChanich. The Colonel accosted the preacher, saying “that he was a justice of the peace, and in the king’s name, with the aid of his constables, he would seize him for being a vagabond and a pest to society.” McArthur remonstrated with him, claiming to be on neutral ground, but the Colonel would listen to no reasoning, and so ordered his constables to seize him. The first and second shirked the task, but McChanich took hold of McArthur’s Bible and trampled it under foot, and then cut off the tail of his coat. During the struggle a packet, loaded with sheep, was passing through the Kyles, owned by J. & A. McTavish, from Skipness. The vessel was hailed to come to, which she did; McArthur was put on board, accompanied by the Colonel and his constables, and they sailed for Greenock. While passing Port-Bannatyne, where his residence was, McArthur requested to be allowed to land, so as to arrange his affairs, but he was told he would get all his requirements on board the *man-of-war*. The smack landed McArthur and his guard that same evening either at the Cloch or at Gourrock. They confined him in a little inn during the night, marched him next day to Greenock, and delivered him to Captain Tatham, the regulating officer of the impress in that quarter, as a fit person to serve in His Majesty’s navy. That officer immediately sent him on board the

⁸ A. Brown, *The History of Cowal* (Greenock, 1908), 121-34.

“Tourtinelle” frigate, which speedily conveyed him out of the jurisdiction of the Scottish courts to the coast of Ireland, thus to defeat an interdict. He was then transferred to another vessel, which carried him to the Downs, in order to frustrate an application for a writ of *habeas corpus* in that kingdom.⁹

Brown’s account of McArthur’s capture has been given primacy because it agrees closely with contemporary evidence which we will consider later in this paper. Despite the fact that he was writing precisely a century after McArthur’s court case, it would seem that Brown had very good sources, which, unfortunately, he does not cite. It is, however, apparent that he was not well informed about the date of McArthur’s transition to Baptist principles, and that he tries to keep him within the Presbyterian camp longer than the evidence warrants.¹⁰ Such misapprehensions tend to reflect the writer’s Presbyterian perspectives, but, as we shall see, the unusual blend of theology and ecclesiology in McArthur’s profile made him somewhat distinctive, if not idiosyncratic, even within the Baptist movement with which he came to be loosely identified.¹¹

⁹ *Ibid.*, 126-7.

¹⁰ Brown claims that “Mr. McArthur, who was a thorough Presbyterian till impressed in 1805, seems on his return to have imbibed the unsettling tendencies of the Haldanes, and it appears he resolved to become a Baptist about the same time as they declared themselves” (*ibid.*, 130-1). This does not fit with the evidence known from legal sources discussed further in this article. McArthur became a Baptist seven or eight years before the Haldanes, who became Baptists in 1808.

¹¹ Brown (*ibid.*, 132-3) describes how McArthur, prior to his emigration to the United States, espoused “peculiar views about the Sabbath”. These views involved the keeping of the Sabbath on the seventh day of the week (i.e. Saturday). In Brown’s estimation, such an understanding was not consistent with the “faith of a Christian”, and he recorded that McArthur later repented of his error. Yet this interpretation of the Sabbath was known elsewhere, initially in England, where the Seventh Day Sabbath was held from the seventeenth century by a generally orthodox body of Christian believers now known as Seventh Day Baptists. Though rare in Britain, such Baptists are still well represented in the United States: see D.A. Sanford, *A Choosing People: The History of Seventh Day Baptists* (Nashville, Tennessee, 1992). There is, however, no evidence that, before 1811, McArthur was in contact with Seventh Day Baptists beyond Bute. Brown’s bias illustrates the type of Presbyterian disapproval which has sometimes coloured the interpretation

The fascinating variations of detail and approach in the different accounts of McArthur's arrest will be seen clearly if we now consider the version of events given by "A North Buteman" and published in the *Dunoon Herald* on Saturday 18 August 1877. "North Buteman" writes in his coda to the account: "I know that they are at least authentic, for the facts were written down by my father, in MS, as part of a retrospect of some fifty or sixty years of his life, in 1863." His account of McArthur's arrest is as follows:

The then proprietor of the estate, himself a captain of volunteers, hearing of his intention [to preach at Colintrave], invited his company to meet him at this place, and which accordingly they did. It was on a beautiful morning in May, a great company assembled on the clean gravel beach at the ferry, and with a chair in front of him, he gave out the 1st Psalm. The company of volunteers, with their captain at their head, soon made their appearance in full uniform, and marched to the place where the preacher stood.

The captain, in a stentorian voice, demanded of him, "What is your profession?"

"Do you want to know my profession," meekly rejoined Mr. McArthur. "I profess the Father, Son and Holy Ghost, and these three are one!"

The captain – "You vagrant! you will not preach to-day," putting his hand on his shoulder.

Mr. McArthur – "Take care! You may not only be transgressing the laws of God on His Holy Sabbath, but also the laws of your country too."

The captain – "I shall take that upon myself," calling at the same time on his ground officer to take hold of him – to his honour let him be named Walter McDougall – who *flatly refused to do it*. The captain then himself collared him, dragging him away. A very natural movement here began in his congregation, which Mr. McArthur noticing said – "Don't be alarmed;" and beckoning to

of non-Presbyterian religious dissent in Scotland. Lay Member guardedly retails a similar perspective, as the opening quotation in this paper indicates.

James McKirdy, he said, "You will take my place and preach for me to-day." This was one of the young converts from Cumbrae. Taking up the Psalm Book, he gave out Psalm xxii. 19, 20, 21 verses, and did preach. Mr McKirdy continued to preach in his native village, Millport, and died an old man some twenty years ago....

"North Buteman's" account then describes briefly how McArthur was taken to Greenock, carried off to Ireland in the impress, and "sent to tend and feed swine aboard the ship".¹²

Although the two accounts differ in detail (e.g. in the date of the encounter, the names and functions of Southhall's accomplices, and the role of Southhall himself), they do agree in placing considerable emphasis on the military nature of Campbell of Southhall's actions. He is the captain of the local volunteers, and they accompany him to arrest McArthur. This is an important dimension of the story, since the incident occurred in the opening years of the Napoleonic War (1803-15), when press-gangs, encouraged by local militias and their leaders, were operating extensively in Scotland's coastal waters and seaports, and it is significant in this context that both accounts refer to the alleged "vagrancy" of McArthur. In fact, the correct date of McArthur's arrest (preserved by Brown) – 20 October 1805 – is the day before the Battle of Trafalgar. We must therefore entertain the possibility that the tensions created by the Napoleonic War may have had some bearing on the "unchristian treatment" given to McArthur, and that it may not have been solely a matter of his manner of preaching or of a landlord's spite towards Evangelicalism (as Lay Member might wish us to believe).

The "popular" sources favourable to McArthur (i.e., almost all the accounts in later books and newspapers) tend, like Lay Member, to relate the arrest to the landlord's antipathy to McArthur as a preacher, but they do not enlighten us as to the content of McArthur's preaching or whether he had anything to say about the Napoleonic War or the activities of the press-gang. If he had, then this might explain the tactics used by Campbell of Southhall. Again, we have to ask why

¹² *DH* Article 2.

events turned so badly against Campbell of Southhall in the subsequent case at the Court of Session, and whether the case had any broader significance.

To explore the issues as fully as we can, in all their tantalising complexity, we need to use contemporary sources as far as possible. We must seek to reconstruct the context of McArthur's emergence as an influential religious figure, and assess his role in his locality. Unfortunately, there are gaps in the evidence, but much contemporary material has come to hand, some of it in manuscript and exactly contemporaneous with the events described. It consists not only of Court of Session records and legal accounts published in 1808, 1809 and 1813,¹³ but also of the letters of Duncan Campbell, the Sheriff Substitute at Inveraray, written during the years 1805 to 1807. The Sheriff Substitute was handling the case on behalf of Campbell of Southhall, and corresponding with Writers to the Signet in Edinburgh, between the time of McArthur's impressment and the subsequent trial. The survival of these letters is quite remarkable. Their existence was brought to light by the careful work of the late Donald MacKechnie, of Inveraray, who passed them to Murdo MacDonald, the Archivist of Argyll and Bute District Council.¹⁴

The contemporary evidence furnished by these letters and the legal accounts will be used alongside the oral traditional accounts which were handed down by men who knew Donald McArthur and his church, and ultimately recorded in newspapers and books. There is also some material from Canada and the United States.¹⁵ In handling

¹³ See notes 6-7 above.

¹⁴ The letters are contained in the Letter Book of Duncan Campbell, Sheriff Substitute at Inveraray, in the Argyll and Bute District Archives, reference number DR/1/86/2. Individual citations refer to the letter, giving the name of the sender, the name of the recipient and the date. I wish to acknowledge the great debt which I owe to the late Mr MacKechnie and to Mr MacDonald. Spontaneously and by a happy providence, Mr MacDonald provided me with copies of the letters at a critical point in my research.

¹⁵ On the Canadian side, I have been helped by information supplied by Elder Stewart J. MacColl, Appin, Ontario. Mr MacColl is an Elder of the Particular Covenanted Baptist Church of Christ in Canada. On the American side, I am most grateful to the Secretary of the Seventh Day Baptist Historical Society, Janesville.

this later body of evidence, it will be important to assess the extent of agreement in the various accounts, and, where possible, to check them out against the earlier evidence. Because of the nature of McArthur's activities, it is, in fact, difficult to find total neutrality of assessment in any accounts beyond those relating to the trial in the Court of Session (and these reflect a verdict which was favourable to McArthur). The bias is either for or against McArthur, with some subtle shading depending on the purpose of the account, but it is nevertheless of great value that, through the discovery of the Inveraray letters, both sides of the story can be observed, though scarcely in their totality.

For a convenient treatment, the paper is now divided into five parts: (1) the preacher and his background; (2) the press-gang and the landlord; (3) the release of the captive; (4) the case in the Court of Session; and (5) the significance of Donald McArthur's legal triumph.

The Preacher and his Background

The pre-1870 written evidence relating to Donald McArthur gives no information on his early background, and for this we are indebted to the later accounts. One account describes him as a native of Strachur, but Archibald Brown states that he "is said to have been born at Drimsyne-beg [*sic*], in the parish of Lochgoilhead, after the middle of last century. While young, he removed with his parents to Strachur, and after attending the parish school he was sent to learn shoemaking, which trade he followed afterwards for several years during the winter season. He was engaged at the herring fishing and coasting trade during summer. In his younger years he was considered a very handsome fellow; he had a fine open countenance with flowing hair. At every jovial meeting he was looked up to as the leader of the song and the dance." Because of his fair hair, Donald McArthur was known in Gaelic as "Dòmhnall Bàn" ("Fair Donald").¹⁶

Wisconsin, for providing helpful information.

¹⁶ Brown, *Cowal*, 124. I have been unable to find firm evidence in other sources of the year or place of McArthur's birth. A scan through the OPR for Lochgoilhead has brought to light the baptism of a Donald McArthur, son to John McArthur and Mary McNaughten, on 23 February 1773 in "Laglinglingale" (OPR 527/1, 95). This offers the best chronological correspondence with the written accounts; Brown's

Both Brown and “North Buteman” indicate that McArthur came to espouse an evangelical position through the influence of his sister, Bell or Isabella, who had gone to service in Glasgow, and had attended the preaching of the Rev. Angus MacIntosh at the Gaelic Chapel.¹⁷ This was apparently the Chapel of Ease on the corner of Queen Street and Ingram Street, built in 1770.¹⁸ Angus MacIntosh, a native of Strathdearn, was minister there from 1792 to 1797. When he later moved to Tain, he became known as one of the finest Evangelical ministers in the northern Highlands.¹⁹ Under MacIntosh’s preaching Isabella McArthur developed a deep soul-concern, leading to the affirmation of personal faith. Isabella’s desire to communicate her new-found faith led her to summon her brother to Glasgow. There he too developed soul-concern, and, returning home to Strachur, professed faith after six weeks of spiritual turmoil. Thereafter, Donald McArthur abandoned his previous interest in revelry, and became a preacher, giving his first sermon, according to Brown, at Invernodan (modern Invernoaden), to the north of Loch Eck.²⁰

The evangelical experience which affected McArthur and his sister touched other members of the family. According to “North Buteman”,

There were three brothers of them in the farm of Bailie Mor [modern Ballimore], and many of the cousins coming to the worship, and the expounding of Scripture, became also deeply affected, and now there was scarcely a time whenever he opened his Bible but there were some awakened and led to seek after salvation.²¹

One of the “brothers” who was thus influenced was Archibald

evidence indicates that McArthur was apparently a young man in the early 1790s. So far, however, I have not identified “Laglingingale”.

¹⁷ Brown, *Cowal*, 124; *DH* Article 2.

¹⁸ I.R. MacDonald, “The Beginning of Gaelic Preaching in Scotland’s Cities”, *Northern Scotland*, 9 (1989), 49-50.

¹⁹ J. MacInnes, *The Evangelical Movement in the Highlands of Scotland 1688 to 1800* (Aberdeen, 1951), 120.

²⁰ Brown, *Cowal*, 124.

²¹ *DH* Article 2.

McArthur (the centenarian of 1877), whose father farmed originally at Auchendrennan, near Cairndow. When Archibald was five, his father obtained the farm of Ballimenach in Strachur. John McArthur, Archibald's brother, who was a roads' contractor and latterly a farmer at Ballimore, was similarly affected, while a third brother, Alexander McArthur, became known as the "North Bute preacher".²² Within the McArthur network, Isabella's influence was not forgotten, and she was called, in Gaelic, *Màthair na Muirichinn*, "The Mother of the Family".²³

The most reliable evidence thus shows the emergence of a localised evangelical movement closely linked to a particular kindred of farmers in the Strachur area, namely the McArthurs. The movement owed its origin to the vein of Evangelicalism among exiled Highlanders in the Lowlands; but it would appear that McArthur was not directly in touch with the preaching of Angus MacIntosh, as some later accounts, notably that of Professor John Macleod,²⁴ would have us believe. His sister had a major role as an intermediary. The movement utilised men who had no previous theological training, and it became culturally indigenised, producing its own Gaelic-speaking preachers, who would have laid strong emphasis both on the Bible and on their personal experience of saving faith. Like McArthur himself, they were originally laymen who had secular occupations and itinerated throughout Strachur and beyond.

McArthur ventured far afield in his preaching. "North Buteman" describes his ventures in this period:

During the summer, the claims of his family obliged him to attend to his business – that of a fish-curer – and he made frequent trips to Glasgow in a small vessel during the fishing season; the rest of the year was devoted to preaching, not merely throughout the

²² DH Article 3.

²³ DH Article 2.

²⁴ G.N.M. Collins, *John Macleod D.D.* (Edinburgh, 1951), 242. The relevant section of the book (231-85) is an account of "An Argyllshire Worthy: Archibald Crawford, 1815-1903", written by Macleod. Crawford, a native of Largiemore, a farm near Otter Ferry, Lochfyneside, provided Macleod with oral traditions relating to McArthur and his followers.

bounds of the Presbytery, but at Knapdale, Tighnadrum, Garelochhead and the islands of Bute and Cumbrae, and in all these places he had converts. But in order that he might devote himself entirely to the work, his hearers subscribed and supported him with an annual salary. At Garelochhead he had many hearers, and of those two became eminent preachers; their names were Peter McFarlane and Donald Whyte.²⁵

Itinerant preaching was becoming common in Argyll in the late eighteenth century. The area was visited by itinerant preachers of different religious persuasions in the 1780s and 1790s, including the eccentric minister of the Relief Church, Neil Douglas, a native of Glendaruel, who made a preaching tour of Kintyre in 1797.²⁶ It is recorded that Donald McArthur made an attempt to collaborate with Douglas in Glendaruel in 1797, but that their partnership soon foundered on theological differences. Thereafter, they became opponents, dedicated to highlighting one another's theological peculiarities.²⁷ The prominent Independent/ Congregational preacher, James Haldane, visited Kintyre in 1800.²⁸ Although Haldane and his associates appear to have had a key role in liberating McArthur from the press-gang in 1805 and in bringing his case to court in 1808, there

²⁵ *DH* Article 2. Peter McFarlane, a native of Luss, later trained for the Baptist ministry at Bradford Baptist Academy; see D.E. Meek, "Dugald Sinclair: the Life and Work of a Highland Itinerant Missionary", *Scottish Studies*, 30 (1991), 66. Donald (or Daniel) Whyte (c. 1784-1824), from Kilmun, emigrated to North Carolina about 1807. He organised Spring Hill Baptist Church, near Wagram, N.C., in 1813: see J.R. MacDonald, "Cultural Retention and Adaptation among the Highland Scots of Carolina" (unpublished Ph.D. thesis, University of Edinburgh, 1992), 124-6.

²⁶ See, in general, D.E. Meek, "Evangelical Missionaries in the Early Nineteenth-Century Highlands", *Scottish Studies*, 28 (1987), 1-34; for more specific discussion of Argyll, see Meek, "Dugald Sinclair", 59-67. For a brief account of Niel Douglas (pending a fuller treatment which I hope to write), see D. E. Meek, "Douglas, Niel", in *The Dictionary of Scottish Church History and Theology*, edd. N.M. de S. Cameron, D.F. Wright, D.Lachman and D.E. Meek (Edinburgh, 1993), 254-5.

²⁷ Brown, *Cowal*, 132 and 139.

²⁸ Meek, "Dugald Sinclair", 62.

is no specific evidence of evangelistic co-operation between McArthur and the Haldanes in or before 1800 (or at any time thereafter). McArthur's movement, while conforming to an emerging pattern of itinerant rural evangelism, retained a rugged individuality, both in its origin and its development.

The activities of Haldane, Douglas and other itinerant preachers, who crossed parish boundaries with impunity, caused considerable disquiet to parish ministers in Argyll. This is made abundantly clear in the Minutes of the Presbytery of Dunoon for its meeting of 1 December 1801:

All the Ministers present represented that for some time past their Parishes had been infested, more or less, with itinerant and Strolling Preachers, endeavouring to render the people dissatisfied with the Establishment, and with their Parish Ministers, and that notwithstanding repeated admonitions and warnings from them, some of their people still persist in going to hear these preachers.

As a result, Kirk Sessions were empowered to "call before them such of their parishioners as continue to hear Itinerant and Strolling Preachers...." The Presbytery was also prepared to take action against ministers and church members who attended the preaching of James Haldane, notably in Rothesay in 1800.²⁹ Not only were preachers like Haldane and Douglas a threat to ecclesiastical loyalties and structures, they were also reputed to be sympathetic to the French Revolution, since some, notably Robert Haldane, had welcomed the downfall of

²⁹ [Scroll] Minutes of the Presbytery of Dunoon, 1 December 1801. I owe this important reference and a copy of the Minute to the kindness of Mr Murdo MacDonald, Archivist, Argyll and Bute District Council. The same Minute also expresses the Synod's disapproval of those parishioners who "have of late, been in the practice of resorting to Greenock, when the Sacrament of the Lord's Supper is dispensed there, and that they are allowed to communicate without any Testimonial from their Parish Ministers, and it is believed that in this description are included some persons who are Suspended from Sealing ordinances, or who decline receiving them from their own Parish Ministers." This underlines the importance of the Lowlands in contributing to, and sustaining, disaffection towards the existing provision of the Established Church in Cowal.

what he called “the ancient despotic Government”.³⁰

McArthur’s practices would have placed him firmly in the despised category of “Strolling Preachers”. His activities would have become all the more difficult to thole when he became a Baptist. We know that he espoused this position around 1800, apparently through independent study of the Bible.³¹ In 1801 he became the pastor of a congregation in the parish of Strachur, and it seems likely that his congregation would have been sympathetic to Baptist principles. There is, however, no evidence that his congregation was formally constituted as a church. Nevertheless, it was in this year that he abandoned his secular occupation, because he was now supported full-time by his “followers”.³² In becoming a Baptist, McArthur submitted himself to being baptised by immersion, and, if he had already been “baptised” by sprinkling as an infant in the local parish church, this “second baptism” would have been perceived as an act of gross disloyalty to the Established Church.³³

³⁰ H.W. Meikle, *Scotland and the French Revolution* (Glasgow, 1912), 205-13, has a valuable discussion of the manner in which some leading establishment figures perceived the political significance of the Haldanes and associated missionary endeavour. The early, unguarded attacks of James Haldane on the Established Church were construed as a wider attack on the establishment. The Established Church’s Pastoral Admonition of 1799 doubtless served to increase the tension generated by the activities of dissenting preachers. One must also bear in mind the charged atmosphere created in the 1790s and the early 1800s by anti-recruitment riots in Scotland: see K.J. Logue, *Popular Disturbances in Scotland: 1780-1815* (Edinburgh, 1979), 116-27.

³¹ J. C. Rendall, “‘The Day of Small Things’: Some Notable Personalities and Events in the Early Days of our Denomination in Scotland”, *Scottish Baptist Magazine*, May 1924, 58. Rendall here uses the evidence of a pamphlet by James Brown, *The Origin and History of the Baptists in Rothesay and the West Highlands of Scotland* (Glasgow, 1861). I have been unable to locate and consult the pamphlet itself.

³² P. Waugh, “The Converging Streams”, Chapter IV in *History of the Baptists in Scotland*, ed. G. Yuille (Glasgow, 1926), 63, states: “He had been first invited to act as a Baptist Pastor by a body of his converts in 1801 in the parish of Strachur....” Hutcheson, *Treatise*, p. lxxxv, appears to confirm this, when he states: “In the year 1801, he gave up all secular employment, and became the pastor of a baptist congregation.”

³³ Brown, *Cowal*, 131, quotes from *The Life of the Rev. Daniel Whyte*

Between 1801 and 1804 McArthur's activities within Strachur and adjacent districts appear to have attracted the attention of ministers and landlords who were not at all kindly disposed to these developments. The biographer of the centenarian, Archibald McArthur, and "North Buteman" both record that some of the "McArthurites" (as his followers were known) lost their employment or their farms because of their evangelistic activities and their support for McArthur. Thus, the biographer of Archibald McArthur writes:

When that responsible step [of marriage] was taken he removed to Lettermay, Lochgilphead, to undertake the management of the farm of Bailie McDougall, who was uncle to Archibald's wife. Here he stayed for some years; but having attached himself to Donald McArthur, the preacher (his own cousin), Archibald found himself subjected, in consequence, to so many annoyances that he was obliged to leave for Strachur. His most bitter foe was, of all men, the parish minister. Being Mrs McArthur's cousin, the rev. gentleman felt all the more keenly on that account the "disaffection" of his relative. The general feeling of the parish ministers and Highland lairds against Donald McArthur and his followers, was very strong, and it was no uncommon thing to see a company of volunteers ordered out on a quiet Sabbath morning to prevent the assembling together of the "McArthurites". John McArthur, Archibald's eldest brother, lost his farm in Strachur because of his "harbouring" Donald McArthur – i.e. allowing him to lodge in his house and preach in his barn. John shortly afterwards got instead the farm of Ballimhor which belonged to another proprietor.³⁴

Such evidence nevertheless indicates that, despite claims about the "general feeling of the parish ministers and Highland lairds against

(presumably the same as D. McNeill, *Life of Reverend Daniel White* (Raleigh, N.C., 1879)) in which his biographer claims that "The Rev. Daniel (sic) McArthur had to go to a remote part of England to be baptised in the true mode." I know of no evidence to support this, and there is contrary evidence that he may have been baptised in Edinburgh, as seems more probable (see note 41).

³⁴ DH Article 3.

Donald McArthur", there were lairds and proprietors who were not openly hostile to the movement. This is underlined by Archibald Brown, who points out that, in spite of the entreaties of the Rev. Dr Stewart, minister of Strathlachlan and Strachur, and factor of these estates, McLachlan of that ilk "refused, point blank, to molest them in any way, and told the doctor that if McArthur and his followers were evil-doers, he should *preach them down*. This put an end to his entreaties. Lamont of Lamont, who was patron for the parish of Kilfinan, followed the good example of McLachlan".³⁵ According to Brown, the opposition of some parish ministers manifested itself in their refusal to baptise the children of "those who deserted them", including the "McArthurites", and the Presbytery eventually took steps to excommunicate families with unbaptised children.³⁶ It is quite possible that, when the movement absorbed Baptist principles after 1801, parents associated with it would have been chary of baptising their infants in the Presbyterian manner.

The difficulties thus experienced by the "McArthurites" appear to have compelled McArthur and some of his close associates to remove entirely from Strachur, and to take up residence in Bute, on the estate of Lord Bannatyne at Kames, since Bannatyne was another landlord who was not inclined to deny leases to potential tenants whose religious beliefs were unusual or distinctive.³⁷ It is not known when McArthur moved to Bute, but it was obviously no later than 1804.

McArthur became the minister of a Baptist congregation in Port Bannatyne, Bute, in 1804.³⁸ This congregation met in an "upper

³⁵ Brown, *Cowal*, 126.

³⁶ *Ibid.*, 125.

³⁷ *DH* Article 2. For Lord Bannatyne, otherwise William MacLeod Bannatyne (1743-1833), see *Dictionary of National Biography*, i, 1058-9.

³⁸ The origin of this congregation is not known. According to *Seventh Day Baptists in Europe and America: A Series of Papers written in Commemoration of the One Hundredth Anniversary of the Seventh Day Baptist General Conference*, vol. i (Plainfield, NJ, 1909), 57, "Archibald La Mont (*sic*) appears to have been the founder of the Seventh-day Baptist church here. In 1802 he came from Hafton and settled on an estate in Port Bannatyne. According to the testimony of his grandson, he was a Seventh-day Baptist. On the property which he bought he built a spacious residence, fitting up one room as a chapel (seating about one hundred persons) in

room”:

There were four families of the name of Lamont who lost their farms; the senior John Lamont built a house, a two-storey one, and the upper room or garret was made the meeting place for preaching, with a neat little pulpit at the farther end. Donald McArthur lived in the middle flat, where his family in their infancy were reared.³⁹

Having established himself in Bute, McArthur regularised his position as a minister, perhaps to allow the consolidation of a church which followed “good order”. The step also reflects the institutionalising of what began as a lay movement with unordained preachers. He received formal ordination to the Baptist ministry on 29 August 1804 at the hands of the Rev. Frederic MacFarlane in Edinburgh.⁴⁰ It is said in both Scottish and Canadian sources that McArthur’s concern for doctrinal purity, and especially for the Calvinist doctrines of grace, was such that he passed by all other Baptist churches in the Lowlands, and sought out Frederic MacFarlane.⁴¹ MacFarlane, whose church in Edinburgh was described by a contemporary as somewhat “monastic” in style, had been an Anti-Burgher minister in Montrose before becoming a Baptist.⁴²

which he placed a pulpit “of the same design as the one then in St. Giles, Edinburgh”. The house is now used only as a dwelling, and the person who occupies it writes, that “it was the first church of any kind in North Bute”; and he adds, that “the congregation originated in 1802”. Archibald Lamont was the brother of John Lamont, to whom the building is attributed in *DH* Article 2. On balance, it seems improbable that the congregation was originally Seventh Day Baptist; this is probably a “reading back” of a later development.

³⁹ *DH* Article 2.

⁴⁰ Hutcheson, *Treatise*, p. lxxv.

⁴¹ J. Brown, *A Sketch of the Life of the Late Robert Primrose, Pastor of the Scotch Baptist Church, Musselburgh* (Glasgow, 1861), 10. See also note 41.

⁴² Frederic McFarlane was minister of an Anti-Burgher church in Montrose from 1788, but, “in the end of the 18th century” he became the pastor of a Baptist church at Skinner’s Hall, Edinburgh: see Yuille, *History of Baptists*, 63. By 1804 he was probably the most senior Baptist minister in Scotland who had formal (and originally Presbyterian) ordination. Christopher Anderson (1782-1852), Edinburgh, comments in a letter of c. 1806: “Mr McFarlane’s Church (an off-set from the

McArthur's action helps us to define some of the features of his ministry. Although he was pastor of a dissenting body which had espoused Baptist principles, he chose his Baptist allies with care, and was strongly committed to Calvinist theology. This commitment was nevertheless firmly linked to an aggressive form of itinerant evangelism which did not observe the boundaries or conventions of the existing parishes.

The Press-gang and the Landlord

When McArthur became the pastor of the Baptist church at Port Bannatyne, he was within easy range of Cowal and the parish of Inverchaolain across the Kyles of Bute. It seems that he had a considerable number of followers in these parts, and his decision to move to Bute may have been motivated, in part at least, by an awareness that his scope for evangelism would be significantly increased. McArthur's arrival in Bute and his later activities are described by the Sheriff Substitute at Inveraray, Duncan Campbell, as follows in a letter to an Edinburgh solicitor, William McDonald, dated 6 November 1805. Campbell was then arguing the case for retaining McArthur in naval service, following his impressment, and here we are privileged to see the anti-McArthur understanding of events:

This man [i.e. McArthur] who for most part of his life was a seaffaring man and sailed from Lochfyne to the Clyde and other parts had of later years become the pest of the district of Cowall [and the Island of Bute *deleted*] as an itinerant preacher and vagrant where he inculcated the most abominable and horrid doctrines to the ignorant country people. His prime residence till of late was [in the Island of Bute but the principally *deleted*] in

Tabernacle) I know little or nothing about; they are still, I suppose, going on in the same monastic style..."; see *The Life and Letters of Christopher Anderson*, ed. H. Anderson (Edinburgh, 1854), 65. According to C.B. Hassell (revised S. Hassell), *History of the Church of God...including especially the History of the Kehukee Primitive Baptist Association* (rev. edn., Middletown, NY, 1886), 881. McArthur, "after much search found Elder McFarland, a Baptist minister in Edinburgh, who preached the doctrine of grace in its purity, who baptized him, and ordained him pastor over the church."

Cowall but the Heritors of that district of the County having resolved to give him no footing and to rid the Country of him if possible he found it necessary to retire to the Island of Bute. He however made frequent excursions into Cowall....⁴³

In due time, McArthur's visits to Inverchaolain drew the attention of John Campbell of Southhall, the main landlord of the district, and the principal agent in his subsequent impressment. The *Old Statistical Account* describes the parish of Inverchaolain in 1791, and offers a glimpse of Campbell of Southhall, as written by the Rev. Hugh MacTavish, minister of the parish:

Proprietors and Rent – Seven heritors have property in this parish, one of whom (Mr Campbell of South-hall), has nearly one half. Not influenced by the general taste for dissipation and extravagance, so prevalent among most young men of fortune, he passes the greatest part of his time upon his own estate, ornamenting his delightful place of residence, which commands a beautiful prospect of the Firth of Clyde, island of Bute, and village of Largs....⁴⁴

We could conclude from this that Campbell of Southhall took a strong interest in his estate, and it would be entirely consistent if he took an equally strong interest in the parish church. As Southhall was also a Justice of the Peace, he would have had to look after the wider welfare of the region as well as of its church. He was not sympathetic to McArthur, and when he crossed to Colintrave on 19 October 1805,

Mr. Campbell informed Mr. Macarthur that he would not allow him to preach upon his estate. On Sunday the 20th of October, Macarthur began divine service on the sea-shore, within the sea-mark. Mr. Campbell attended, with a retinue of his servants and dependants, broke through the assembly, and ordered two of the

⁴³ Campbell to McDonald, 6 November 1805.

⁴⁴ *The Statistical Account of Scotland 1791-1799*, viii (Argyll (Mainland)), with introduction by M. Gray (East Ardsley, 1983), 168.

party to seize Mr. Macarthur.⁴⁵

Duncan Campbell's letter indicates how McArthur's preaching and his itinerant habits were perceived by Campbell of Southhall and his law agent – he was a “vagrant” and a preacher of “most abominable and horrid doctrines”. What were these doctrines? The evidence is not at all precise on this crucial point, and the clearest indication comes in the submission made by the Sheriff Substitute when McArthur's case reached the Court of Session. Campbell then drew attention to the allegation that,

about the beginning of the last French War when every exertion was making to raise men McArthur used all his endeavours to discourage and dissuade the people from entering into his Majesty's service and by his seditious speeches made himself so obnoxious that he was only made to desist by being threatened to be sent to prison for his conduct.⁴⁶

In other words, McArthur was believed to be preaching against conscription and, presumably, impressment. If this was indeed the case, his own capture and impressment may have been perceived as an ideal way of settling scores. But, apart from handing out rough treatment of this nature, how could the activities of the press-gang be employed to get rid of McArthur? What were the legal pretexts on which he could be handed over?

The *Oxford Companion to Ships and the Sea* has a very helpful article on “impressment” which gives important information. First, it makes clear that impressment, or press-ganging, was a recognised form of recruitment in Britain at times of war. Fishermen and seamen were liable to be impressed for naval service, and so too were “disreputable characters” under the provisions of various Vagrancy Acts. These Acts “encouraged local justices to clear their gaols and get rid of their worst characters by drafting them into the navy”.⁴⁷

⁴⁵ Hutcheson, *Treatise*, p. lxxv.

⁴⁶ Campbell to McDonald, 6 February 1807.

⁴⁷ *The Oxford Companion to Ships and the Sea*, ed. P. Kemp (London, 1979 edn.), 415-16. The activities of press-gangs in Scotland have been little studied: for

At a superficial level, therefore, McArthur may have been seen to satisfy all the provisions for impressment: he had been a fisherman; he was perceived to be a “vagrant”; and he was one of the “worst characters” in the locality, at least in the eyes of such men as the Sheriff Substitute at Inveraray. According to the Sheriff:

...on one of these occasions lately when he had collected on Southalls property [preceding three words written in left-hand margin] a very great Mob of people in the Close neighbourhood of [the *deleted*] his house, Southhall insisted on his not [preaching there *deleted*] haranguing the Mob there and on [his *deleted*] McArthurs refusal Southhall considered it his duty as one of the Justices of the Peace of the bounds to lay hold of him and convey him on board the impress tender at Greenock, where he was *received* as a very fit subject for serving his Majesty....⁴⁸

The Sheriff omitted to mention that McArthur was below the high-water mark when he was apprehended and therefore not on Southhall's property at all; and words like “mob” and “harangued” are used to emphasise and exaggerate the dangerous side of McArthur's Sunday service. The opening paragraph of the letter refers to McArthur as “designing himself Minister of a dissenting congregation at Port Bannatyne in the Island of Bute” – which carries a suggestion that his ordination was perceived to be self-conferred and therefore unacceptable.⁴⁹

Following his capture at Colintrave, McArthur was taken to the impress tender at Greenock, and immediately put into naval service. He was whisked off to Ireland, and from there he was moved to the Downs (a major naval anchorage in England, between the North and South Forelands) in an attempt to evade the Bill of Suspension which had been granted by Lord Bannatyne at the Court of Session in order to terminate his captivity. However, five weeks later McArthur was released by the Lords of the Admiralty and given exemption from any

a discussion of an incident involving the press-gang at Campbeltown, Argyll, in 1795, see Logue, *Popular Disturbances*, 121-3.

⁴⁸ Campbell to McDonald, 6 November 1805.

⁴⁹ *Ibid.*

further impressment.⁵⁰

The Release of the Captive

How did McArthur obtain his release from naval service? It was a remarkably speedy release by any standards. We know from the Sheriff Substitute's correspondence that the Bill of Suspension had been served against Southhall before 6th November 1805 – not much more than a fortnight after the beginning of his captivity.⁵¹

According to two post-1870 accounts, two of McArthur's closest followers, Archibald and John Lamont, together with a third man named Cowan, went immediately to Liverpool in an attempt to release him. There they found a God-fearing lawyer whom they asked to act on their behalf. When the lawyer heard their business, he said that he was already working on precisely that case and he felt confident that McArthur would be freed.⁵²

Now, there are several aspects of this account which raise questions. First, it is not clear why McArthur's friends should have gone to Liverpool, or why they should have sought a solicitor in that city, especially when a solicitor was already working on the case. One might have expected them to know that, but it is, of course, possible that action was taken without the knowledge of McArthur's supporters in Bute. Second, the Bill of Suspension was obtained through the Court of Session in Edinburgh, and granted by Lord Bannatyne. It was not served through the English courts. There is, in fact, evidence that the process was initiated in Scotland by Henry David Inglis, an Advocate and a Baptist, and the itinerant evangelists, Robert and James Haldane. According to "North Buteman":

His friends were, however, nimble and alert; his precentor, Duncan Campbell, who rented a sheep run of Lord Bannatyne, set off for Edinburgh, and meeting with Mr H. D. Inglis and Mr J. Haldane, he took steps to rescue the kidnapped evangelist, which eventuated

⁵⁰ Buchanan, *Reports*, 61.

⁵¹ Campbell to McDonald, 6 November 1805.

⁵² Brown, *Cowal*, 127-8; Collins, *Macleod*, 243-4.

in the matter being brought before the Court of Admiralty, of which it is believed Lord Bannatyne was a member.⁵³

It is highly likely that the resources of the Haldanes maintained the momentum of the case until it came before the Court of Session in 1808.

The effectiveness of the Bill and its implications were not in doubt, and, back in Inveraray on 6th November, the Sheriff Substitute, knowing that the Bill of Suspension had been served on Southhall, was faced with the prospect of the imminent return of the “pest” to Cowal. His correspondence with the Edinburgh solicitor, William McDonald, W.S., on that date was aimed at keeping McArthur in naval service for as long as possible:

It appears to me and to every person with whom I have talked on the subject that this is a business worthy [which *deleted*] of the Lord Advocates [ought to take up for *deleted*] attention for the public interest and I hope on a proper representation from you he will take up the matter and relieve Southhall of the expense of opposing the Bill but in the mean time it is Southhalls wish that you give in answer to the Bill and use any exertion to prevent this Vagabond from being again let loose upon the country the consequence of which would be that he and his adherents would become unsufferable....

I have not the smallest doubt that the heritors and Clergy of the district of Cowall will if thought of use very readily concur in subscribing a Writing expressive of their opinion of McArthur’s character and their satisfaction at his being removed from the Country and their earnest wish that he may not be liberated. It is I think somewhat fortunate that Lord Bannatyne is the Ordinary who grants the Bill and before whom I hope the Question will

⁵³ DH Article 2. J. B., “A Dunoon Patriarch”, 58, notes that “The late James Alexander Haldane, and Henry David Ingles (*sic*), Edinburgh, threw the weight of their character into the defence of the persecuted....” For Henry David Inglis (1757-1806), see the account prefixed to *Letters, Sermons and Tracts on Various Important Subjects by the Late Henry David Inglis, Esq. Advocate*, (Edinburgh, 1812).

come to be discussed as [he] must have heard a great deal of McArthur's character.⁵⁴

In a letter to Southhall of 11th November 1805, the Sheriff Substitute showed clearly that the Captain of the impress, Captain Tatham, was very fully implicated in the attempt to keep McArthur in the navy:

Captain Tatham suggested the propriety of the Heritors of the district of Cowal joining in an application to the Lords of the Admiralty to induce their *Lordships* not to liberate McArthur or listen to any application to that purpose as it was very likely his followers would make an Application to their *Lordships* and perhaps might offer two men for him. As this appeared highly proper I mentioned it to Sir Alexander McLane [who is here and *deleted*] he agrees to join [in it and *deleted*] I have no doubt General Campbell and General Orr will do the same, and Lord Lorne has promised to transmitt the *Memorial* to the Lords of the Admiralty.⁵⁵

The remainder of the letter urged Southall to find the most influential heritors in the parish, and get them to sign the Memorial as quickly as possible. However, all his efforts were in vain, and, if a Memorial was drawn up and presented to the Lords of the Admiralty, it had no effect whatsoever. The main obstacle to McArthur's freedom was the impressment itself, and the manner in which it conveyed him beyond the reach of Bannatyne's Bill. McArthur was first conveyed quickly from Greenock to Ireland, and then, when application for a writ of *habeas corpus* was made in the Irish courts, he was conveyed to England.

Nevertheless, the Lords of the Admiralty were informed about the matter, and their response was immediate and unconditional. On 27 November 1805, McArthur, "the pest of Society", as the Sheriff Substitute called him, was set free to return to Bute, after five

⁵⁴ Campbell to McDonald, 6 November 1805.

⁵⁵ Campbell to Southhall, 11 November 1805.

gruelling weeks as an enforced sailor serving His Majesty.⁵⁶

The Case in the Court of Session

Yet if McArthur had returned to haunt his old enemies and to preach his so-called “diabolical doctrines”, that was the least of the matter. By January 1806 the Sheriff Substitute at Inveraray was writing to Wm McDonald again, but this time indicating that Southhall had been served with a summons. Clearly, a court case was pending, in which Southhall had to defend his actions, as he had been charged with “maltreating McArthur”. The Sheriff Substitute was appealing once more to the heritors’ dislike of McArthur, but this time it was in an attempt to support Southhall at the impending process in the Court of Session:

I am happy to find that a great number if not the whole of the Heritors of Cowal have agreed to come forward in support of Southhall and besides that it will make the expense fall lighter it shews the opinion they all entertain of McArthur and the propriety of endeavouring to banish him from the Country.⁵⁷

In a further letter of 6th February 1807, the Sheriff wrote to McDonald, in response to an enquiry from Lord Meadowbank who was handling the process. This time he admitted something very significant, on which Meadowbank evidently sought clarification:

You will find it stated in the Information sent you some time ago that McArthur stood within the Sea mark at the time he was apprehended, but all his hearers were without upon the adjoining land.

He then went on to state that McArthur had been “a curer of Herring in Lochfine down to Summer 1802”. He also drew attention to the allegation (already noted) that

about the beginning of the last French War when every exertion was making to raise men McArthur used all his endeavours to

⁵⁶ Buchanan, *Reports*, 62.

⁵⁷ Campbell to McDonald, 28 January 1806.

discourage and dissuade the people from entering into his Majesty's Service and by his seditious speeches made himself so obnoxious that he was only made to desist by being threatened to be sent to prison for his conduct.

A further allegation concerned McArthur's conduct at a session of the Sheriff Court:

I have just been told by the *Procurator Fiscal*, a Circumstance which occurred in the Sheriff Court here several years ago and which tho' it may not have much weight at present I think right to <mention> [*word unclear*]. McArthur attended a process either as Witness or as having [an interest in *deleted*] some connection with one or other of the partys concerned and during the taking of the depositions he behaved in so unbecoming and indecorous a manner [and with so much *deleted*] endeavouring to ridicule the Solemnity of an Oath that the *Procurator Fiscal* moved the Sheriff to committ him to prison and he would actually have been punished for his behaviour had he not made an appology and left the Court.⁵⁸

All of this looks like a last-ditch attempt to provide justification for Southhall's animus towards McArthur, and it seems as if the Sheriff Substitute was struggling to find some circumstantial evidence which could lend credence to Southhall's defence.

The case came before Lord Meadowbank on 9 December 1808, and the result was a complete vindication of McArthur – or, to put it another way, a very heavy defeat for Campbell of Southhall. Our two primary legal sources, the one of 1809 and the other of 1813, show the course of the trial, and how Southhall's defence collapsed. The process concluded that McArthur had left the sea in 1801, and was not therefore eligible for impress; that he was properly ordained in terms of his own denomination; that he had “a particular place of worship”; that “his situation at Port-Bannatyne was well known to the people of

⁵⁸ Campbell to McDonald, 6 February 1807. On the rights of the crown to the foreshore below the high-water mark, see D.M. Walker, *The Oxford Companion to Law* (Oxford, 1980), 480.

the Argyleshire coast, opposite, viz. at Collinray Ferry, and neighbourhood thereof, where the defender was resident" (and he was therefore not a "vagrant"); and that Southhall had acted *ultra vires*, and without an impress warrant, in his violent seizure of McArthur while the latter was conducting divine worship. Scarcely concealing the Lord Ordinary's exasperation with the defender, Meadowbank's final judgement stated:

that the defender [i.e. Southhall] does not allege that he was possessed of any press-warrant when he used this violence against the pursuer [i.e. McArthur], or that he had any other motive for it, than that he disapproved of the pursuer's doctrines as being adverse to the lawfulness of war, except the allegation that he had been guilty of seditious speeches, though he declines to condescend as to such speeches, or the time and place of uttering them; and being of opinion, that if the defender really believed that the pursuer's doctrines were adverse to the lawfulness of war, the oppression was the more grievous of getting him impressed into the navy to serve in war; that the whole proceeding was highly scandalous and unjustifiable; and that it is aggravated by the attempts to justify it in this court, and by the allegation that the Lords of the Admiralty must have been misled by the representations of fanatical sectaries when they gave the pursuer a discharge and protection....⁵⁹

It was very much against Southhall's case that he would not "condescend as to such speeches" relating to McArthur's alleged "sedition". Hard evidence on this point was not produced in court. The

⁵⁹ Hutcheson, *Treatise*, pp. lxxvii-lxxviii, and Buchanan, *Reports*, 61-63, give the text of Lord Meadowbank's judgement. Hutcheson, pp. lxxviii-lxxix, also provides the text of an additional note by Lord Meadowbank. The prosecution argued that "MR. CAMPBELL's interference with a religious society, while celebrating divine worship, was a violation of the toleration act, 10th Anne, cha 7" (Hutcheson, *Treatise*, p. lxxvi). However, the Toleration Act of 1712 applied to Episcopalian Dissenters: see J. H. S. Burleigh, *A Church History of Scotland* (London, 1960), 275-6. Lord Meadowbank's interlocutor does not allude to the Act, which would have been irrelevant in the strict point of law, but the provisions of the Act, in general terms, do seem to be echoed in his approach to the case.

judge thus repelled Southhall's defences, and awarded McArthur a solatium of £105, solatium being a recompense for injury to person or feelings caused by the circumstances under scrutiny, and forming part of the wider sum of damages. Expenses were awarded against Southhall, but it is difficult to know precisely what sum was eventually given to McArthur. He had pursued Southhall for £2000, and there is no evidence that the Lord Ordinary disputed this sum.⁶⁰

Southhall appealed against the judgement, but the appeal went against him. Of the three appeal judges in Second Division, two (Lord Robertson and Lord Glenlee) agreed with Lord Meadowbank, and one (Lord Newton) disagreed. The Lord Justice Clerk also supported Meadowbank's judgement, adding only that the amount of damages awarded ought to have been larger.⁶¹

Donald McArthur thus won a major legal victory in the Court of Session. But why was it that his case attracted so much attention that it reached the bar of that Court? I would like to suggest, first, that it was possibly because Southhall and the Sheriff Substitute at Inveraray had been so precipitate, if not indeed vindictive, in the relentless pursuit of their aims. Second, it is clear that, at some stage, McArthur secured some very powerful allies in legal places. We have already noted that an Advocate, Henry David Inglis, himself a Baptist, was one of those who initiated the process for the Bill of Suspension, and it is likely that the case was financed by Robert and James Haldane. But there is still another point. When the Sheriff was sending his instructions to Edinburgh in 1806-7, and advising that the Lord Advocate should take up the case, it just so happened that the Lord Advocate was none other than the celebrated Henry Erskine (1746-1817), a prominent Scottish solicitor who was both an Evangelical and the friend of the despised and the downtrodden.⁶² He was the very man to take an interest in a case like that of Donald McArthur – and the Counsel for the pursuer (i.e. for McArthur) was indeed the Hon.

⁶⁰ Buchanan, *Reports*, 60-63.

⁶¹ *Ibid.*, 63-72.

⁶² Walker, *Companion to Law*, 428.

Henry Erskine.⁶³ McArthur thus had one of the best lawyers in the land acting on his behalf. It is one of the ironies of the case that the Sheriff Substitute at Inveraray wrote thus to Wm McDonald, W.S., in 1806:

I observed in some of your letters to Southhall that you proposed Feeing Mr H Erskine which I hope you have done or will still do if he is not already engaged on the other side....⁶⁴

The Sheriff Substitute and his Edinburgh agent were not, perhaps, among the best informed of solicitors.

The Significance of Donald McArthur's Triumph

Today Donald McArthur of Port Bannatyne has been all but forgotten. This is partly because he emigrated to New York State about 1811, where he died, "a prosperous farmer and stock raiser", in 1850.⁶⁵ Though he was not now the pastor of a church, McArthur nevertheless persevered in itinerant preaching, and sometimes crossed into Middlesex Co., Ontario, where he conducted baptisms.⁶⁶ It is said that, before leaving Scotland, he had come to regard Saturday as the correct day for the Christian Sabbath, and he was thus identified with the Seventh Day Baptists – a point which counted against his acceptability within the mainstream of Scottish Evangelicalism.⁶⁷ It is alleged that his emigration was caused by the continuing harrassment that he had to endure in Cowal, possibly because of his Seventh Day leanings.⁶⁸ One of his closest associates, Archibald Lamont, had already emigrated to the United States by 1809, and this may have helped to

⁶³ Buchanan, *Reports*, 72.

⁶⁴ Campbell to McDonald, 28 January 1806.

⁶⁵ *Seventh Day Baptists in Europe and America*, 59.

⁶⁶ H. McColl, *Some Sketches of the Early Highland Pioneers of the County of Middlesex* (Ottawa, 1979 edn.), 15.

⁶⁷ See note 11 above.

⁶⁸ J.B., "A Dunoon Patriarch", 58, claims that, on his return from the impress, "new annoyances were begun, and the mind of the good man drooped, and at last he emigrated to Canada". *DH* Article 2 relates that "his farewell sermon was preached to an immense company at or near the Mill, Achafure, Cowal."

influence his decision to leave Bute.⁶⁹ His church in Port Bannatyne declined slowly thereafter, and the “McArthur Baptists” were gradually absorbed into Evangelical Presbyterianism, notably the Free Church after 1843.⁷⁰ In Canada, however, one of his followers, Dugald Campbell of Knapdale, who emigrated to Elgin Co., Ontario, in 1818, founded a body which has survived to this day in Ontario – the Particular Covenanted Baptist Church of Christ in Canada – and this group retains a theology and church polity derived directly from the theological position held by Donald McArthur of Port Bannatyne before he came to espouse the Seventh Day interpretation of the Christian Sabbath.⁷¹

McArthur, then, did not found a denomination or an enduring church. He did not possess the qualities of settled, consistent leadership which would have made this possible, and there is more than a hint that, in matters of doctrine and practice, he could be provocative to the point of damaging his own cause. Even the case which hit the headlines in the Court of Session in 1808 faded from legal memory, and in retrospect, almost two hundred years later, we have to ask ourselves what significance can be attached to the events surrounding Donald McArthur.

With the 150th anniversary of the Disruption fresh in our minds, it is perhaps worth suggesting that some of the central issues of that secession were beginning to break the surface on the morning of McArthur’s impressment on the shoreline at Colintrave – almost forty years before the Disruption. The critical point was that age-old bone of contention, the control of the Christian faith and the relationship of its churches and preachers to the secular authority, in this case the landlord. Who controlled the churches and who controlled their

⁶⁹ *Seventh Day Baptists in Europe and America*, 57.

⁷⁰ *The First Yearly Report of the Baptist Union of Scotland* (Cupar, 1844), 22, in its “Table of Evangelical Baptist Churches in Scotland and the Isles”, notes the following for Port Bannatyne: “Here a church met which at one time numbered more than 170 members, a few of whom still remain, and, among the rest, Alexander Macarthur, a farmer in the isle of Bute, who preaches occasionally to them.”

⁷¹ Hassell, *History of the Church of God*, 881.

preachers? What was the status of a preacher who was a dissenter from the Established Church? Did the landlord have power to dispose of such a preacher as he wished? Could the preacher be silenced if his doctrines were disliked by the landlord? Was it permissible to assume additional power, and even to use force, to dispose of the unwanted preacher?

To these last three questions, the Court of Session, through the interlocutor of Lord Meadowbank, replied in the negative. Nevertheless, McArthur's case did not eradicate the tendency of landlords and heritors to make life hard for those who dissented from the Established Church. In Scotland, long after 1808, Baptists and other dissenters sometimes had to endure the destruction of their meeting-houses and the wrath of landlords who objected to field-preaching on their land.⁷² Yet, as far as I am aware, no other Scottish itinerant preacher was press-ganged or molested under circumstances similar to those of Donald McArthur. Nor was there, to my knowledge, any other specific legal judgement in the British Isles which was potentially so significant in setting limits to landlords' intervention against itinerant preachers.

We may therefore ask whether McArthur's case may have been rather more than an attempt to obtain justice for a single individual. Was a greater principle being tried in the highest Scottish court? Is it possible that McArthur found powerful allies to plead his cause because they had a wider purpose in mind? Could this have been a case which was of greater significance to its supporters than to the individual concerned? It is highly relevant that James Haldane himself had been apprehended at Whitehouse, Kintyre, in 1800 when on a preaching tour with John Campbell. He was prevented briefly from field-preaching, before being set at liberty by the Sheriff of Argyll. Haldane and Campbell were apprehended by a local justice and magistrates who claimed to have a warrant to send them to the Sheriff. By a remarkable coincidence, the party escorting Haldane and

⁷² I hope to discuss this theme in greater detail elsewhere: in the meantime, see Meek, "Evangelical Missionaries", 13, and D.E. Meek, "The Baptists of the Ross of Mull; Evangelical Experience and Social Change in a West Highland Community", *Northern Studies*, 26 (1989), 30-31.

Campbell to the Sheriff was met by no less a person than Sir Ilay Campbell, who enquired “the meaning of the formidable escort”. It is thought that Sir Ilay may have had influence in Haldane’s and Campbell’s swift release. As Lord President of the Court of Session from 1789 to 1808,⁷³ could he have had weight in this case?

Whatever the motives of his supporters, whether the settling of old scores or the vindication of an individual, McArthur’s victory did demonstrate that there were limits to a landlord’s power. Such power, however great, stopped at the high-water mark. McArthur’s “doctrines” may indeed have been “adverse to the lawfulness of war” – but the allegation fell short of proof, and, as the “pest” of Cowal stood outside the estate of Campbell of Southall, he was legally, though not physically, unassailable on that fateful Sunday on the shore at Colintrave.⁷⁴

⁷³ A. Haldane, *The Lives of Robert Haldane of Airthrey, and his Brother, James Alexander Haldane* (Edinburgh, 1855 edn.), 261-5. Alexander Haldane does make an allusion to this case. For Sir Ilay Campbell of Succoth, see Walker, *Companion to Law*, 171-2.

⁷⁴ Earlier drafts of this paper were read to the Inveraray and District Local History Society (December, 1991) and to the Scottish Baptist History Project (November, 1992). I am grateful to participants on both occasions for their helpful comments. I owe much too to the kindness, encouragement and constructive criticism of Dr John McCaffrey, Senior Lecturer in Scottish History, University of Glasgow. The Keeper of the Records of Scotland has granted permission to reproduce entries from relevant Old Parochial Registers.